



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
September 14, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on September 14, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman, John Dwyer Jr, Vice Chairman, Charles Polacco, William Tubby, Mary Jo Wiltshire and Robert Jacobsen.

BOARD/ALTERNATE MEMBERS ABSENT: Jonathan Korn and Jamie Mills.

OTHERS: Suzanne Cahill, Planning Director and Kyla Haber, Assistant Planner.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Vincent Perry – One of the owners of 60 South Washington Avenue – Has a problem with Item #11 – 299 South Wall Street – this commercial property borders residential homes. They are running an unlicensed, unregistered repair shop at all hours of the night. They had to call the police at 2am in the morning because of work being done. There were 40 unregistered vehicles on the property with parts all over the place. A formal complaint was filed with the Building Safety Division. There has been no follow through with the NYS DMV and the requirements of the Kingston Planning Board. We want to be kept in the loop with what is going on.

Item #2: Adoption of the July 13, 2015 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if there were any comments or corrections. No one had any changes.

Decision: The Board voted unanimously to adopt the July 13, 2015 Planning Board minutes. (WP, CP, JD, RJ, MW – yes)

PUBLIC HEARINGS:

Item #3: **#81 Linderman Avenue & #100 Burgevin Street** LOT LINE REVISION of the Lands of Margaret Andretta. SBL 56.31-1-2 & 34. SEQR Determination. Zone R-1 & RRR. Ward 3. Margaret Andretta; applicant/owner.

Discussion: Walter Eckert, Brinnier & Larios, was at the meeting to represent the applicant. The application is for a lot line revision to delete a lot line and add a new lot line. The purpose of the revision is to re-configure two lots to allow for the existing house to be on one and to create a buildable lot for a new home on the other. The owner of the property plans to build and move into the new home.

A Lot Line Revision map, prepared by Christopher Zell, LLS, dated August 13, 2015, was submitted for review. The map shows the line to be deleted and the new line to be created, as well as, the existing structures, driveways, and metes and bounds. The map also shows a proposed 20' wide utility easement for the existing utilities. Descriptions of the easement will need to be submitted and incorporated into the final resultant lot descriptions. Maintenance of this should be defined. The final map should also define a buildable area for the newly created vacant parcel and locations for proposed utilities.

The resultant lots far exceed the lot and bulk requirements for the RRR zone. The existing home will sit on a lot with an area of 2.758 acres. The proposed house will be on the remaining 6.407 acres. The Board questioned the configuration of the lot, asking what the reason was for having one lot create a U shape around the other lot rather than allotting the entire Burgevin Street frontage to the existing home. W. Eckert explained that the configuration was at the owner's request. She wanted to retain as much property as she could for the new home.

The applicant is aware that the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

Written descriptions will need to be submitted for review and approval prior to being signed by the Chairman. The maps submitted for signature will need to be signed by the property owner(s).

Board Policy #6 will need to be signed by the owner.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line revision with the following conditions: written descriptions, easements with maintenance, and Board Policy #6 – signature on final plans. (WP, RJ, JD, MW, CP – yes)

Item #4: **#56 Clarendon Avenue** SUBDIVISION of the Lands of Technical Coatings Corporation. SBL 48.74-1-54. SEQR Determination. Zone C-3. Ward 6. Technical Coatings Corporation; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Vetere, surveyor, was present at the meeting to represent the applicant. The application is to subdivide one property into two for purposes of having the two existing commercial buildings each on their own lot. The smaller building contains John Minervini Auto Body. The larger building contains Technical Coatings Corp. M. Vetere stated that the owner is interested in subdividing because he wants to sell the buildings and feels that it will be easier to sell them separately.

M. Vetere presented the map to the Board explaining that resultant parcels will share a 16' wide common drive and utility easement. Lot 1, containing the Minervini building, will be .381 acres (16,598.2sf), with roughly 106' frontage x 160' depth, slightly tapering to the rear of the property. The property containing TCC will be .673 acres (29,309.9sf) with roughly 192' frontage x 160' depth, also tapering to the rear.

There are no minimum width and depth requirements in the C-3 zone and the resultant parcels are below the lot coverage maximum of 70%. The site lacks parking for the uses, however, the subdivision does not appear that it would have an impact on the parking that does exist.

The Board should advise the applicant that the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

M. Vetere was advised that written descriptions need to be submitted for review and approval. Descriptions of the easement for the shared driveway, including purpose and maintenance responsibility, will also need to be submitted and incorporated into the final descriptions.

Board Policy #6 – signature of owner is required on the final maps.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the subdivision with the following conditions: written descriptions including easements and maintenance agreements submitted to the Planning Office for review prior to being signed by the Board Chairman, and Board Policy #6 – signature of property owners on the final maps. (WP, JD, MW, CP, RJ – yes)

Item #5: **#125 First Avenue** SPECIAL PERMIT renewal to continue an accessory apartment in an existing single family home. SBL 56.27-2-6. SEQR Determination. Zone RR. Ward 7. Leveque Nazaire; applicant/owner.

Discussion: No one spoke Leveque Nazaire was present at the meeting. The application is to renew the special permit for an accessory apartment in the basement of an existing single family home. Accessory apartments are allowed in the RR zone as long as they meet certain criteria set forth in the zoning code. The application was originally approved in September 2011 for a period of 2 years. The Board asked what the delay has been in completing the renovations. The applicant stated the initial reason for the request was based on financial necessity, and that because his financial situation has changed since the original application, completing the apartment is not such a pressing issue at this time.

No changes to the original plans are proposed.

Deputy Chief David Allen conducted an initial inspection of the property. The applicant applied for a building permit on September 3, 2013 to convert the basement into an accessory apartment. The

applicant stated that he has no active building permits at this time. He said that the apartment has not been renovated but that there are two electric meters on the house.

Original plans, drawn by Ashokan Architecture, were submitted for the Boards review. The plans included a zoning data table. The structure is a 1950, one story ranch with a full basement. The house is wood framed with brick veneer. There are two bedrooms in the house with one bedroom proposed for the basement apartment.

Section 405-9B(9) of the zoning code stated that accessory apartments must meet the following conditions:

- Must be owner occupied
- Must be located within the principal dwelling. Principal dwelling unit must have existed prior to Jan. 1, 1982 and must contain a minimum of 2,000 square feet.
- Minimum size shall be 300 square feet, maximum of 600 square feet.
- No more than 1 accessory apartment
- Dwelling shall continue to look like a single family home
- Approval for water and sewer connection is required
- Off street parking requirements for 0-3 bedrooms (in the entire structure) require 3 spaces

During the original review, the zoning enforcement officer visited the structure and verified that the application meets all of the requirements of the zoning code. The basement as living space results in the structure exceeding 2000 sf. The home was built in 1950.

A term for the permit was discussed. Staff recommended that the Board renew the permit for 2 years to allow the owner time to complete the accessory apartment.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a period of 2 years to expire on September 14, 2017 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

Item #6: #138 Delaware Avenue SPECIAL PERMIT renewal for a two-family residence in the RF-H district. SBL 56.28-3-18. SEQR Determination. Zone RF-H. Ward 8. Robert Lopez; applicant/owner.

Discussion: No one spoke at the public hearing. The applicant was not present at the meeting.

Decision: The Board voted unanimously to table the application and request that the applicant be present at the October meeting to represent the application. (WP, JD, MW, CP, RJ – yes)

Item #7: #20-42 Broadway SPECIAL PERMIT renewal for residential units. SBL 56.43.8.61.1. SEQR Determination. Zone RLC. Ward 8. 30 Kingston Realty Corp/owner.

Discussion: No one spoke at the public hearing. Renee Mensche was present at the meeting to represent 30 Kingston Realty Corp. The application is for renewal of a special permit for a mixed use building in the RLC zone. The permit was first issued on July 28, 2011.

The permit was issued for 10 residential units on the second floor of the building above commercial establishments. There are 8 one-bedroom units and 2 two-bedroom units.

Incident reports from KPD were reviewed. There were no incidents for the residential portion of the building. All incidents were related to the restaurants and commercial spaces on the ground floor. There were no issues listed with BSD.

A term for the special permit was discussed. The previous term was for 2 years. There have been no issues since the original approval. The Board agreed to renew the permit for 5 years.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to renew the special permit for a period of 5 years to expire on September 14, 2020 with the condition that the application return to the Board if the property changes ownership. (WP, RJ, JD, MW, WT – yes)

Item #8: **#276 Fair Street** SPECIAL PERMIT to utilize apartments for short term rentals. SBL 48.331-4-21. SEQR Determination. Zone C-2, MUOD, Stockade Historic District. Ward 2. Jean J. Carquillat; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Moriello, attorney, and Scott Dutton, architect, were present at the meeting. They explained that the application is to seek approval to renovate and utilize 2 apartments above Le Canard Restaurant for short term rentals. The owner of the building operates the restaurant on the ground floor. A special permit is required due to the property's location in the Mixed Use Overlay District.

Scott Dutton presented floor plans of the 2 apartments. One apartment contains a bedroom, bathroom, kitchen, living room, laundry room and utility room. The other contains two bedrooms, a kitchen, dining room, two living rooms, one and a half bathrooms and a utility room. S. Dutton stated that the apartments are remaining as they are now with no construction required.

No signage or exterior changes are proposed.

W. Platte stated that he had been asked whether there is a bakery in the basement of this establishment. M. Moriello said that he was only asked to represent the special permit for the apartments but that he will ask the owner.

The owner is required to be landlord registered with the Building Safety Division because the property is not owner occupied.

Board Policy #6 will need to be signed on the final plans.

A term for the special permit was discussed. The initial term is limited to 1 year after which it can be extended at the discretion of the Board. The Board agreed to a 1 year term.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a period of 1 year to expire on September 14, 2016 with the condition that property be landlord registered with the Building Safety Division, a signature for Board Policy 6 be executed and that the owner install a Knox Box on the building for emergency access by emergency personnel of the KFD (WP, RJ, JD, MW, WT – yes)

Item #9: #356 Broadway SPECIAL PERMIT to operate a rooming house. SBL 56.43-8-61.1. SEQR Determination. Zone C-2, MUOD. Ward 9. TVG Group LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Trevonne Gilliard, TVG Group LLC, was present at the meeting. The property was purchased in April 2015 by the current owner. The Building Safety Division informed the new owner, after inspecting the property during the landlord registration process, that the rooming house use requires a special permit by the Planning Board to continue.

Floor plans and photos were submitted. The applicant also brought photos of the rear parking lot. The layout shows that the of the building does not conform to the current zoning which requires all residential to be located on the second floor, however, the existing layout is a result of a small commercial space added onto a house that preexisted the 1985 zoning law. The residential space exists on the ground floor and the second floor with a small commercial space occupied by the owner's taxi business on the front of the building.

The rooming house has 5 bedrooms for rent with a common room, kitchen and bathroom on each floor. The Board asked how many residents occupied each room. The owner said that there is only 1 tenant per room. This will be a requirement of the approval because the parking requirement is based on the number of tenants.

There were 4 police incidents for the past year: hazardous condition, medical emergency, check welfare, and assist with fire department. There is 1 complaint with BSD from February/March 2015. The complaint was generated prior to the current owner. Wells Fargo was the owner from 8/28/14 until 4/22/15 when the current owner purchased it.

The narrative stated that tenants were renting on a monthly basis. The Board asked whether most of the tenants were short term. The owner stated that it is actually the opposite for many of them. She said that the reason she is hoping to keep the boarding house running is because many of the tenants have been there for a long time and she is not looking to remove anyone from their home.

The narrative also stated that the owners wish to paint the exterior of the building black to match the neighboring buildings. They would also like to add an awning as well. Exterior changes need to be reviewed by the Heritage Area Commission.

The owner was provided the list of requirements in the Zoning Code Section 405-12(B)(2) for Rooming/Boarding Houses. She confirmed that the requirements will be met with the exception of supplying and changing bedlinens. The owner has stated that the tenants are responsible for their own bedding. The structure is not owner occupied and therefore requires a permanent resident manager. The current owner is landlord registered with the BSD. The name and contact number of the resident agent will need to be submitted to the Planning Office and Building Safety Division prior to any occupancy.

1. The applicant shall be the individual owner of such premises.
2. At the time of the issuance of such special permit and at all times when said premises are used as a rooming house or boardinghouse, the owner thereof shall maintain his

residence in and shall actually reside in said premises or there shall be a permanent resident of the City of Kingston who shall be the resident agent responsible for the management of the rooming house or boardinghouse.

3. The maximum number of roomers or boarders shall be 12 and the maximum number of rooms shall be 10.
4. There shall be no more than two people occupying a room as a roomer or boarder, and such room shall have a minimum of 80 square feet of floor space per occupant.
5. Rooming houses and boardinghouses legally operating with a special permit at the time of the adoption of this chapter, as amended, which may be nonconforming uses under this chapter shall be entitled to the issuance of a special permit under compliance with all of the provisions of this chapter, except Subsections B(2)(b)[1], [2], [3] and [4] of this subsection, upon applications made prior to and for the permit year December 31, 1994. After said date, no special permit shall be issued to any applicant unless such applicant fully complies with all of the provisions of this chapter, including said Subsections B(2)(b)[1], [2], [3] and [4] of this subsection.
6. All rooming houses and boardinghouses shall be heated by a central heating plant or permanently installed electric baseboard panel heating. No portable heating units are allowed.
7. No cooking or storage of foodstuffs shall be permitted in any room other than a kitchen.
8. In all parts of such building, artificial lighting shall be provided by means of electric current and each electric circuit shall be provided with a circuit breaker or fuse which shall meet the requirements of the New York Board of Fire Underwriters. Each new application shall be accompanied by a New York Board of Fire Underwriters' certificate. This certificate shall not be more than one year old. Thereafter, on renewal applications, a current New York Board of Fire Underwriters' certificate shall be required at least once each five years. Any fees involved in obtaining this current New York Board of Fire Underwriters' certificate shall be borne by the applicant.
9. No sinks shall be installed or used in any sleeping room, but basins shall be permitted for personal washing and shaving. Such basins, however, shall not be used for washing of clothes and dishes or any unsanitary purposes.
10. Bathroom facilities shall be maintained for the owner-occupant separate and apart from bathroom facilities for the roomers and boarders.
11. The owner or resident agent of every rooming house and boardinghouse shall change supplied bed linens and towels therein at least once each week or prior to the letting of any room to any occupant. The owner or resident agent shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
12. All garbage and kitchen wastes in every rooming house and boardinghouse shall be immediately deposited in suitable covered receptacles which shall be disposed of as needed in such a way as not to be or become offensive or unsanitary.
13. All sleeping rooms shall be numbered with raised figures not less than three inches in height placed on the outside of the door to each room, and no two rooms shall bear the same number.
14. Each and every floor on which rooms are occupied by roomers and boarders shall be equipped with a fire extinguisher in good working condition readily accessible for use at all times and approved by the Fire Prevention Bureau of the City of Kingston.
15. No room shall be occupied by roomers or boarders in the third floor or attic of any dwelling unless the building complies fully with the New York State Multiple Residence

Law. In a wood-frame dwelling, no room shall be occupied by roomers or boarders in the third floor or attic.

16. Off-street parking must be provided on the premises at the rate of one space per occupant based on maximum possible occupancy, plus one space for each employee.
17. All rooming houses and boardinghouses with special permits shall be subject to inspections at all reasonable hours by properly authorized representatives of the City of Kingston. Failure to comply with this provision shall constitute grounds for immediate revocation of the permit.
18. Every rooming house and boardinghouse and every part of the premises shall be at all times kept clean and free from dirt, filth and rubbish and in a sanitary condition. Cleaning and renovation shall be secured as may be ordered by the Building Safety Division of the Fire Department.
19. No sign shall be erected that identifies or advertises the use of the rooming house or boardinghouse for such purpose.
20. Said use shall conform and be maintained in harmony with the overall character and appearance of the surrounding neighborhood.
21. No rooming house or boardinghouse permitted pursuant to this subsection shall be located less than 1,200 feet from an existing rooming house or boardinghouse.
22. No rooming house or boardinghouse permitted pursuant to this subsection shall be located less than 1,200 feet from an existing bed and breakfast.

There is parking in the rear of the building accessed from Jansen Avenue. The applicant provided photos of the parking lot. There is a large gravel lot with a 2 car garage. There is a requirement for 5 parking spaces to accommodate the 5 rooms based on single occupancy. The Board also asked about the taxi business. The owner said they mostly do non-emergency medical transport and not typical taxi service. She said they have 10 cars maximum for the business.

The following Board policies were considered: #6 – signature on final plans, #11 – window signage limited to 20%; #16 – compliance with section 405-12(B) Rooming/Boarding Houses; #22 – compliance with carbon monoxide requirements; #23 – protection and maintenance of bluestone sidewalks.

The term for the special permit was discussed. The zoning requires rooming houses to be reviewed annually. The Board agreed to the 1 year term.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a 5 room boarding house with the following conditions: single occupancy per room, compliance with section 405-12(B)(2) Rooming/Boarding Houses, and installation of a Knox Box for emergency access by the Fire Department. The name and contact information of the resident manager will need to be provided to the Planning Office for the file. (WP, JD, MW, CP, RJ – yes)

OLD BUSINESS:

Item #10: **#20 Cedar Street** SITE PLAN/SPECIAL PERMIT to demolish the existing commercial building and construct mixed use, multi-story building. SBL 56.109-4-2.100. SEQR Determination. Zone O-2, Mixed Use Overlay District. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Discussion: Scott Dutton, architect, Michael Moriello, attorney, Dennis Larios, surveying and engineering, and Charles Snyder, RUPCO, were present at the meeting. The project includes demolition of the former “Mid City Lanes” bowling alley and construction of a multi-story, mixed use development. The plans include a multi-level, 3, 4, and 5 story building with 57 residential units on the upper floors and ground floor commercial space. The applicants are currently seeking a zoning amendment request to change the property from an O-2 Limited Office District to a C-2 Central Commercial District. At the June 8, 2015, the Planning Board made a recommendation to the Common Council to approve the re-zoning.

S. Dutton explained some of the changes since the original approval. The overall number of units was reduced from 60 to 57 and made the following changes were made to the configuration: studio units were reduced from 6 to 2, 1-bedroom units were reduced from 48 to 44, 2-bedroom units were increased from 4 to 8, and the number of 3-bedroom units remained at 3.

S. Dutton presented a landscaping plan and planting plan to the Board, explaining that they were just completed by the landscape architect. Approximately 4000sf will be utilized as a greenhouse and garden area. The space will likely be overseen by a manager dedicated to that space but the details have not been finalized at this time.

D. Larios told the Board that his office has been putting together the stormtech system to deal with runoff. He said that the system they are proposing will handle all the stormwater from the site except in the case of a 100 year storm (8 ½ inches of water in a 24 hour period). The project will be required to have a SPEDES permit and a Stormwater Pollution Prevention Plan (SWPPP).

S. Dutton explained that there is not enough parking on site to meet the zoning code requirements for the project. He told the Board that RUPCO agreed to develop plans for creation of a more formal parking area to be created along Greenkill Avenue across from the project. The area is currently used by some of the neighborhood residents as parking. The applicants will be seeking a waiver for the remainder of the spaces. If the waiver is not received, a variance will be required. M. Moriello added that they did a title search of the City property where the parking is proposed. A copy of said search was filed in the Planning Board record.

M. Wiltshire asked about the commercial space on the ground floor and who would be occupying that space. S. Dutton stated that most of the space would be occupied by the Center for Creative Education. The remaining space does not have formal tenants proposed at this time, although RUPCO has been actively working to seek tenants. M. Wiltshire asked if there would ever be a reduction in the space needed by the CCE. Evry Mann and Bryant Andrews came up to the table to respond. They said that they are in need of that much space and possibly more in the future. They said that they have outgrown the space that they are in on Railroad Avenue. C. Snyder also noted that they are seeking to have an urban agriculture user in the space, combining with growing and greenhouse space on the roof top to the rear.

S. Dutton explained that this building, similar to the Lace Factory, would have a fairly sophisticated alarm and security system where the tenants would have key fobs to access

certain areas and that the building could be accessed by the public in certain areas or in the case of an event.

S. Cahill asked whether any additional details will be added to the façade. S. Dutton explained that he had been working on a lot of the overall detail for the funding application and the SEQR review. He told the Board that they could expect to see additional detail on the building at the next meeting.

S. Cahill asked what the timeframe would be for construction. S. Dutton stated that they expect it would be 18 months.

M. Moriello explained the next steps in the review process. Next month, the Board would issue a determination on the SEQR review. Then the Planning Board and the Common Council would have a public hearing. After that the Common Council would be able to vote on the zoning change. If the zoning change is approved, the Planning Board would be able to vote on the project.

Decision: The Board voted unanimously to table application. The item will be placed on the October Planning Board agenda. (WP, JD, MW, CP, RJ – yes)

NEW BUSINESS:

Item #11: **#299 South Wall Street** SITE PLAN amendment to operate an auto repair facility. SBL 56.32-6-30.100. SEQR Determination. Zone C-3. Ward 5. Arlet Cartagena/applicant; Edward Lattin; owner.

Discussion: Arlet Cartagena, business owner, and Ira Aeiner, County Commander for the American Legion, were present at the meeting. The applicant is seeking approval from the Planning Board to amend and recertify the original site plan for an auto repair facility. The site plan was originally approved in January 2013 with the following conditions: compliance with Zoning Code Section 405-39, 405-33(D), and 405-33(E) (listed in detail below) related to vehicle storage and automotive repair facilities, a copy of the NYS license submitted to the Planning Office within 90 days, and Board Policies #6 – signature on plan and #19 – compliance with noise ordinance.

The NYS license was never obtained by the applicants and therefore the original approval is null and void.

I. Weiner stated that he felt that the neighboring property owners have been complaining because of the applicant's race and that the owner is an upstanding business person that provides a service to the community.

Chairman Platte stated that the Planning Board is not interested in feuds between neighbors but they are interested in the application and the issues that have occurred on the property including not complying with the conditions of the original approval.

The Board reviewed photos of the property including pictures that were taken before and after being posted by the Building Department for non-compliance and excessive outside storage of

junk vehicles and parts. The applicant has done substantial clean up of the site since the BSD posted the building with a stop work order. Board members recalled that this was not the first time that this property had issues of outside storage.

The applicant explained that they are seeking approval to be able to work later at the repair shop, asking for permission to work from 9am-9pm, Monday through Saturday. S. Cahill referred to the Noise Ordinance which stipulates hours for this type of work to be limited 8am-8pm. The Board agreed to allow 8am-8pm Monday through Friday with Saturdays from 8am-5pm. The applicant agreed.

The applicant was also reminded that all work should be done within the building to keep the noise levels to a minimum. The applicant were also reminded of the storage requirements in the zoning code. These requirements are part of any approval.

Vehicle storage –

405-39 – No unenclosed storage, except parking of operable motor vehicles which are validly inspected and registered with valid current license plates shall be permitted in any district of the City of Kingston.

405-33(D) – All automobile parts wrecked or damaged motor vehicles or similar articles shall be stored within an approved enclosed area. Major repair work may be carried on outdoors where it is impractical to do such work within a building but in no case shall any vehicles requiring such work to be stored outdoors for a period exceeding 30 days. Gasoline or oil sales, changing of tires and other similar work shall not be considered major repair work.

405-33 (E) – “No automobile service station and no gasoline or oil pump or automotive service appliance unless within the building shall be permitted to be established on a lot which is within 1000ft of another lot on which there is an existing automobile service station or outdoor gasoline or oil pump or...”

The Board asked why the DMV license was never obtained by the business owner. A. Cartegena replied that her child was very sick and that this kept her from submitting the required paperwork. She added that she did not do work to vehicles as a repair shop. She said that she only did work on private vehicles for a dealer.

A. Cartegena submitted a series of letters in support of her and the business. One letter stated that the person was actually having work done at the facility when she experienced harassment by the neighbor. The applicant was reminded that she cannot do work to vehicles without the required license.

The site plan being used for the property was originally created for Ace Oil Company. Mike's Used Office Furniture is also a tenant in the building and occupies more than half of the square footage of the building.

The application being considered is for auto repair. Auto sales are not permitted and are not part of the application.

There are 20 parking spaces shown on the plans. Retail requires 1 space per 300sf. Calculations for Mike's Office Furniture show a requirement of 14 spaces. There is no specific requirement for auto repair. Based on the existing parking spaces and the existing use within the building, the remaining 6 spaces would be dedicated to the auto repair. No more than 6 vehicles should be on site for the auto repair facility. All parts and materials must be stored within the building (both used and new).

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for an auto repair facility with the following conditions:

- No outside storage of parts and/or junk vehicles
- Compliance with Zoning Code sections: 405-39, 405-33(D), and 405-33(E)
- Hours of operation limited to Monday-Friday 8am-8pm, Saturdays 8am-5pm, and no work on Sundays
- All work must take place within the building
- Auto sales are not permitted
- No work can take place until NYS license is obtained and copy submitted to the Planning Board and BSD
- Waste fluids should be collected and disposed of properly. A statement outlining the procedures for waste will need to be written and submitted to the Planning Office.
- Compliance with Board Policies 6 – signature on the application, and 19 – compliance with the noise ordinance.

(WP, MW, JD – yes; CP, RJ – no)

Item #12: **#12 & 14 Thomas Street & 564 Broadway** SITE PLAN to expand restaurant use into a vacant commercial building. SBL 56.25-4-16.10, 16.20, 20. SEQR Determination. Zone C-2. Ward 5. Matteo-Bella; applicant/owner.

Discussion: Frank Guido and Scott Dutton were present at the meeting to discuss the proposal. S. Dutton stated that he did not want to give a full presentation because he has just completed the paperwork for formal submission. The idea is that Frank Guido's Little Italy would expand into the former RJ's Bar for banquets and expanded seating. The 3 lots were combined into 1 in the anticipation of the expansion. Ultimately there will also be an outdoor garden/dining area to compliment the use. The alley between the existing restaurant and the new building will remain and continue as both a service entrance and secondary means of egress.

Decision: The Board voted unanimously to table the application to allow for submission of the application and required material. (WP, RJ, JD, MW, CP – yes)

Item #13: **#105 Mary's Avenue** SITE PLAN to construct a 2 story addition, totaling 48,000sf, relocate the helipad, improve and increase the parking lot, and add 3 generators to the hospital campus. SBL 56.41-3-1.110. SEQR Determination. Zone O-2 & RRR. Ward 9. Health Alliance of the Hudson Valley; applicant/owner.

Discussion: David Scarpino and Joseph Marsicovete of the Health Alliance of Hudson Valley, Dennis Larios, Brinnier & Larios, and David Sauers, Optimus Architecture, were present at the meeting.

D. Larios explained that the Health Alliance of the Hudson Valley is seeking approval for a 2-story, 48,000sf addition to the hospital for Emergency Medical and Related Services. The addition will be east of the former emergency room and will cause the need for relocation of the existing heli-pad. The purpose of the addition and site changes are to allow for consolidation of hospital services at the Mary's Avenue campus.

D. Larios presented the site plan, pointing out the areas on the site that will be disturbed. The parking lot nearest to the main entrance will be reconfigured and the employee parking lot nearest to the cemetery will be expanded to accommodate the additional demands. He explained that the material that will be removed for the addition will be used as fill for the parking lot expansion. More than 1 acre of disturbance will take place and therefore both a SPEDES permit and a SWPPP will be required.

D. Larios explained to the Board that the heli-pad will need to be relocated. He said that the final location has yet to be determined because they are working with the FAA.

W. Platte asked if covered walkways were being considered from the visitor parking lots. Covered walkways are not on the plans but the applicants said that they would be considered.

D. Larios stated that the plans will include a design for a future parking deck in the event that it becomes financially feasible to construct it and the need demonstrates its necessity.

R. Jacobsen explained that he will be abstaining from the decisions because he is on the Board of the Mary's Avenue Campus.

D. Scarpino was asked to explain the internal changes and funding. He explained that the consolidation of campuses at the Mary's Avenue location will not create anything at the hospital that has not been done before. The hospital will return to a 200 bed facility with all services returning to the hospital that were once there when the two campuses were separate. Interior renovations will reconfigure the flow of the hospital to allow for improved functionality and flow of services. The HAHV will be merging with Westchester Medical.

The Board asked what the plans are for the Broadway campus. D. Scarpino said that they plan to create a medical village for outpatient services. They are working with Ulster County to include some of the county run services in the building as well.

D. Larios asked if there were any specific items that should be considered for a SEQR determination. S. Cahill stated that traffic has always been a concern with the hospital especially with the new high school and the UCCC services at the Sophie Finn School. She also stated that stormwater and parking would be a focus.

S. Cahill informed the Board that a resolution to seek Lead Agency had been prepared for their consideration. The Board received copies of the resolution.

Decision: The Board voted unanimously to adopt the resolution to seek Lead Agency status in the SEQR review for #105 Mary's Avenue. The resolution and associated materials will be circulated to all Interested and Involved Agencies. (WP, JD, CP, MW, WT – yes; RJ – abstain)

EXTENSION:

Item #14: #635 Abeel Street REQUEST for extension of the approved site plan to construct a 45'x100' prefabricated steel building. SBL 56.57-2-3.100. SEQR Determination. Zone RRR. Ward 9. T&S Land Co. LLC; applicant/owner.

Discussion: Kevin Conklin, Wright Architects, was present at the meeting. He explained that the applicants are seeking an extension to the approved site plan for construction of a 45'x100' prefabricated steel building. The original approval was granted on September 8, 2014. The Planning Board approval is only valid for one year but can be extended for up to two years. The owners have already demolished the trailer that was on site and have cleared the site for construction. The Board saw no issue with extending the permit.

Decision: The Board voted unanimously to extend the site plan approval for construction of a 45'x100' building for 1 year with all original conditions carried forward. (WP, CP, JD, MW, RJ – yes)

BOND RELEASE:

Item #15: #165 Cornell Street REQUEST FOR RELEASE of the performance bond for the Lace Factory. SBL 48.82-1-26.100. Zone M-2. Ward 6. Lace Mill Limited Partnership/owner.

Discussion: Charles Snyder, RUPCO, and Scott Dutton, architect, were present at the meeting. The applicants are requesting the release of the remaining performance bond for the Lace Factory project. The initial bond was for \$510,000. The Planning Board released \$82,498 in December 2014. The remaining balance is \$427,502.

The issue of graffiti on the South Manor side of the building was brought up. C. Snyder stated that he thought that any original graffiti would remain on the building as “patina”. The Board did not agree and asked that the owners take steps to remove the graffiti. R. Jacobsen explained that people have mentioned to him that it is a shame that so much money was put into renovations and that the building looks so beautiful but that the graffiti takes away from it. C. Snyder agreed that they would try to remove it.

Final as-built drawings, the electrical sign-off and the landscaping warranty were submitted. The permits have been closed out and the Certificate of Occupancy has been issued by the Building Safety Division.

Decision: The Board voted unanimously to release the remaining \$427,502 of the performance bond. (WP, JD, MW, CP, RJ – yes)